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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,406	11/04/2003	Matt Morano	NYMX0002	5734
25235 7590 06/05/2007 HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,406

Applicant(s)

MORANO ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18, are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen et al, (Hereinafter Rosen U.S Patent: 6, 049, 784).

As per claim 1, Rosen discloses a distributed trading system for handling a plurality of order requests, each order request comprising parameters under which a participant will buy and/or sell a futures contract, the system comprising:

a messaging bus, a validator coupled to the messaging bus and having a first interface for receiving order requests, wherein the validator implements processes for validating the order requests, and an interface generating a validated order message on the messaging bus related to validated orders(see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149)

a risk allocation value (RAV) component coupled to the messaging bus and having an interface for receiving validated order messages from the validator, wherein the RAV component implements processes for evaluating risk associated with an order should that order be completed(see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149) a match engine coupled to the messaging bus and having an interface for receiving validated order messages from the RAV component, wherein the match engine implements processes for matching orders based on the order-specified criteria; and a persist component coupled to the messaging bus and having an interface for receiving messages related to orders and trades, wherein the persist component

implements processes for persistently storing information related to orders and trades. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 2, Rosen discloses further comprising: a market data service component coupled to the messaging bus and having an interface for receiving messages related to orders and trades, wherein the market data service component implements processes for generating market data related to orders and trades handled by the distributed trading system. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 3, Rosen discloses wherein the RAV component evaluates risk based on active orders, positions and margins for a particular customer placing the order. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 4, Rosen discloses wherein the messaging bus comprises a subscriber publisher messaging bus. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 5, Rosen discloses wherein the match engine is configured specifically for a particular class of futures contracts and receives validated order messages only when they related to the particular class of futures contracts. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 6, Rosen discloses wherein the particular class of futures contracts comprise a contract cluster. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 7, Rosen discloses wherein the match engine publishes messages related to executed trades that are subscribed to by the persist component. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 8, Rosen discloses wherein the match engine publishes messages related to unmatched orders that are subscribed to by the persist component. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 9, Rosen discloses wherein the validator subscribes to messages related to market state, and the validator further comprises processes for using the

market state to validate orders. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 10, Rosen discloses wherein the market state messages include information selected from the group consisting of- exchange active, contract active, markets open, user assigned to account, and high/low limits. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 11, Rosen discloses wherein the messages are self-describing. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 12, Rosen discloses wherein the messages comprise XML messages. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 13, Rosen discloses a method for implementing trades on an electronic exchange, the method comprising the acts of providing a messaging bus, receiving an order request in a first component, wherein the order request specifies parameters under which a participant will buy and/or sell a futures contract; validating the order requests; generating a validated order message on the messaging bus related to validated order request when the order request satisfies pre-specified validation criteria; receiving the validated order message in a second component, evaluating risk associated with the order represented in the validated order message (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149) generating an accepted order message on the messaging bus when the evaluated risk satisfies pre-specified risk criteria, receiving the accepted order message in a third component; matching orders based on the order-specified criteria; generating an unmatched order message on the messaging bus, generating a trade message on the messaging bus corresponding to two or more matched orders, and receiving the messages related to unmatched orders and trades; and persistently storing information related to orders and trades. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 14, Rosen discloses wherein the validator further comprises processes for reporting errors back to a client (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 15, Rosen discloses a futures exchange including the distributed trading system of claim 1. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 16, Rosen discloses further comprising:
a trading floor operation producing a plurality of manually executed trades; and
mechanisms for recording executed trades from the trading floor. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 17, Rosen discloses the futures exchange of claim 16 where the mechanisms for recording executed trades utilize at least some of the components of the distributed trading system. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

As per claim 18, Rosen discloses a market data product comprising market data produced by the market data service component of claim 2. (see column 8 para 0065-0067 and para 0068-0074 and column 9-13 para 0089-0149).

Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Walker et al (US 2001/0042785 A1 PUB) teaches method and apparatus for funds and credit line transfer.

W eichert et al (US 2004,0117302 Pub) teaches payment management.

Jones er al. et all (US Patent 6, 021, 397) teaches financial advisory system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers

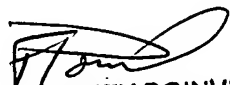
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for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

May 28, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692